#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Ying Feria

Serial No.

09/661,967

Group Art Unit: 2617

Filed:

09/14/2000

Examiner: Ly, Nghi H.

For:

STRATOSPHERIC-BASED COMMUNICATION SYSTEM HAVING

INTERFERENCE CANCELLATION

Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

#### RENEWED PETITION UNDER 37 C.F.R. §1.183

Dear Sir:

This Renewed Petition was originally submitted under §1.147(b). The Petition was subsequently dismissed because the original §1.131 Affidavit was not signed by the Assignee and a §3.73(b) Certificate was not included. The Assignee has enclosed the §3.73(b) Certificate and a renewed §1.131 Affidavit signed by the Assignee. Applicant respectfully requests a grant of the renewed petition in view of the following facts.

The Office Action dated August 29, 2007, rejected claims 1, 8, 11, 13, 14, 18 and 20 in view of Sherman and Dalal, and claims 9, 10 and 12 in view of Sherman, Dalal and Official Notice. In response, the undersigned prepared a renewed 37 C.F.R. §1.131 Affidavit to overcome the Dalal reference. The Dalal reference was provisionally filed on August 31, 2000, exactly two weeks before the present application filing date of September 14, 2000. A copy of the Amendment is submitted herewith.

On November 2, 2007, a letter instructing the inventors to sign and return the original §1.131 Affidavit was sent to each of the inventors at their last known addresses by certified mail, return receipt requested, as each of the inventors is no longer employed by the Assignee. A copy of the November 2<sup>nd</sup> letter is attached hereto as Exhibit I. A copy of the original Affidavit is

attached hereto as Exhibit II (without attachments). A copy of each of the envelopes is attached hereto as Exhibits III, IV, and V. The instruction letter asked for return of the signed §1.131 Affidavit by November 27, 2007 and included a return envelope with pre-paid postage.

The last known addresses of the inventors are:

Ying J. Feria 306 Anderson Street Manhattan Beach, CA 90266

Ming U. Chang 28815 Indian Val Rd. Rancho Palos Ver, CA 90275

Donald C. Chang 2350 Moberly Court Thousand Oaks, CA 91360

The envelope addressed to Ying Feria was returned unopened by the Post Office. A copy of the return envelope is attached as Exhibit VI. The envelopes addressed to Ming Chang and Donald Chang were accepted by them, as evidenced by the return receipt cards, copies of which are attached as Exhibits VII and VIII, respectively. However, the signed affidavits were never returned.

The present petition is necessary to overcome the Dalal reference and overcome the rejections set forth in the Office Action. Thus, this petition is necessary to preserve the rights of the Assignee and to prevent irreparable damage.

The petition fee of \$400 under 37 C.F.R. \$1.17(f) has already been charged to the Assignee.

The Patent Office is authorized to charge any additional fees to Deposit Account No. 50-0383. If you have any questions regarding this matter, please contact the undersigned directly at 248-641-1212.

Respectfully submitted,

Dated: January 22, 2008

Kevin G. Mierzwa, Reg. No.

Attorney for Applicants

The DIRECTV Group, Inc. 2230 East Imperial Highway P.O. Box 956 El Segundo, CA 90245

Telephone: (310) 964-0735 Facsimile: (310) 964-0941

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Mail Stop Amendment Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

#### **AMENDMENT**

Dear Sir:

In response to the Office Action date: August 29, 2007, please enter the following amendments and remarks.

Amendments to the Claims begin of page 2 of this paper.

Remarks begin on page 9 of his paper.

#### **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

#### LISTING OF CLAIMS

1. (Currently Amended) A communications system comprising:

a stratospheric platform having a payload controller and a phased array antenna having a plurality of elements for generating a first beam and a second beam; and

a gateway station in communication with said stratospheric platform, said gateway station receiving a first signal having the first beam having interference from the second beam therein and receiving a second signal having the second beam having interference from the first beam therein.

said gateway station comprising a first subtracting block for subtracting said second signal from said first signal to obtain the first beam;

said gateway station comprising a second subtracting block for subtracting said first signal from said second signal to obtain the second beam.

- 2. (Previously Presented) A communications system as recited in claim 1 wherein said gateway station weights said second signal with a first weight prior to subtracting said second signal from said first signal.
- 3. (Previously Presented) A communications system as recited in claim 1 wherein said gateway station weights said first signal with a second weight prior to subtracting said second signal from said first signal.

- 4. (Previously Presented) A communications system as recited in claim 1 wherein said first weight is a function of user position files.
- 5. (Original) A communications system as recited in claim 1, wherein the payload controller comprises a demultiplexer for receiving control signals.
- 6. (Previously Presented) A communications system as recited in claim 5, wherein the demultiplexer generates a plurality of element control signals.
- 7. (Previously Presented) A communications system as recited in claim 6, wherein the element control signals are coupled to an RF feed, and the RF feed is coupled to said plurality of elements of said phased array antenna.
- 8. (Previously Presented) A communications system as recited in claim 1, wherein the gateway station comprises a beam generator for generating beam signals.
- 9. (Previously Presented) A communications system as recited in claim 1, wherein said gateway station further comprises a multiplexer/demultiplexer.
- 10. (Previously Presented) A communications system as recited in claim 9, wherein said multiplexer/demultiplexer comprises a code division multiplexer/demultiplexer.

- 11. (Previously Presented) A communications system as recited in claim 1, wherein said gateway station is coupled to a terrestrial network.
- 12. (Previously Presented) A system as recited in claim 11, wherein said terrestrial network comprises an Internet.
- 13. (Previously Presented) A system as recited in claim 11, wherein the terrestrial network comprises a public service telephone network.
- 14. (Previously Presented) A method of controlling a communications system having a stratospheric platform, said method comprising the steps of:

receiving a first signal having a first beam having interference from a second beam therein at a gateway station;

receiving a second signal having a second beam having interference from the first beam therein at the gateway station,

subtracting said second signal from said first signal to obtain the first beam; and subtracting said first signal from said second signal to obtain the second beam.

15. (Currently Amended) A method as recited in claim 14, further comprising, prior to the steps of receiving, generating the first beam and the second beam using a payload controller and a phased array antenna having a plurality of elements therefore[[,]]; and wherein prior to the step of subtracting said second signal from the first signal[[;]], weighting the second

signal with a first weight, and prior to the step of subtracting said first signal from said second signal, weighting the first signal with a second weight.

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16. (Previously Presented) A method as recited in claim 15, further comprising:

performing said step of subtracting said second signal from said first signal to obtain the first beam in a first subtracting block in the gateway station; and

performing said step of subtracting said first signal from said second signal to obtain the second beam in a second subtracting block in the gateway station.

- 17. (Previously Presented) A method as recited in claim 15 wherein said first weight and said second weight are a function of user position files.
- 18. (Previously Presented) A method of controlling a communications system having a stratospheric platform, said method comprising the steps of:

receiving a first signal having a first beam having interference from a second beam therein at a gateway station[[,]]:

receiving a second signal having the second beam having interference from the first beam therein at the gateway station,

weighting said first signal with a first weight to provide a weighted first signal;
weighting said second signal with a second weight to provide a weighted second signal;
subtracting said weighted second signal from said first signal to obtain the first beam; and
subtracting said weighted second signal from said second signal to obtain the second
beam.

- 19. (Previously Presented) A method as recited in claim 18 wherein said first weight and said second weight are a function of user position files.
- 20. (Previously Presented) In a communication system having a gateway station for processing signals to and from a plurality of users, a method of canceling interference at the gateway station, comprising:

receiving a plurality of signals, each from one of the plurality of users, at least one of said plurality of signals having interference therein from at least one other of said plurality of signals;

determining an amount of interference from user position files;

canceling the interference in said at least one of said plurality of signals by subtracting said at least one other of said plurality of signals.

- 21. (Previously Presented) A method as recited in claim 20, wherein, prior to the step of canceling, said at least one other of said plurality of signals is weighted.
- 22. (Previously Presented) A method as recited in claim 21, wherein said at least one signal is associated with a mobile user.
- 23. (Previously Presented) A method as recited in claim 22, wherein said at least one other of said plurality of signals is associated with a mobile user.

24. (Previously Presented) A communications system as recited in claim 23, wherein said second weight is a function of user position files.

#### 25. (Previously Presented) A communications system comprising:

a stratospheric platform having a payload controller and an antenna having a plurality of elements for generating a first beam and a second beam;

a gateway station in communication with said stratospheric platform, said gateway station receiving a first signal having the first beam having interference from the second beam therein and receiving a second signal having the second beam having interference from the first beam therein,

said gateway station weighing said second signal with a first weight to form a weighted second signal, and thereafter, said gateway station comprising a first subtracting block subtracting said second weighted signal from said first signal to obtain the first beam, wherein said first weight is a function of user position files;

said gateway station comprising a second subtracting block for subtracting said first signal from said second signal to obtain the second beam.

#### 26. (Previously Presented) A communications system comprising:

a stratospheric platform having a payload controller and an antenna having a plurality of elements for generating a first beam and a second beam;

a gateway station in communication with said stratospheric platform, said gateway station receiving a first signal having the first beam having interference from the second beam therein

and receiving a second signal having the second beam having interference from the first beam therein,

said gateway station weighing said second signal with a first weight to form a weighted second signal, and thereafter, said gateway station comprising a first subtracting block subtracting said second weighted signal from said first signal to obtain the first beam;

said gateway station weighing said first signal with a second weight to from a first weighted signal, said gateway station comprising a second subtracting block for subtracting said first weighted signal from said second signal to obtain the second beam, said first weight and the second weight being a function of user position files.

#### REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated August 29, 2007, claims 1-26 are pending in the application. Minor amendments were made to some of the claims. An unsigned §1.131 Affidavit and a Petition Under 37 C.F.R. §1.47(b) to accept the unsigned Affidavit due to unavailable inventors is submitted herewith. Applicants respectfully request the Examiner to reconsider the rejections.

#### DOUBLE PATENTING REJECTION

Claims 1-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-17 of U.S. Pat. No. 6,895,217. Inasmuch as U.S. Pat. No. 6,895,217 is assigned to the same Assignee as the present invention, attached please find a Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent. Therefore, this rejection has been rendered moot.

#### Rejection Under 35 U.S.C. § 103

Claims 1, 8, 11, 13, 14, 18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman (U.S. Pat. No. 5,966,371) in view of Dalal (U.S. Pat. No. 6,819,943). Applicants respectfully traverse.

Claim 1 is directed to a communication system (10) that is generally illustrated in Figure 1 and is described on pages 5-7. The communication system (10) (page 5, line 14) includes a stratospheric platform (18) (page 6, line 12 to page 7, line 6) having a payload controller and a phased array antenna (page 8, line 9) having a plurality of elements for generating a first beam and a second beam. A gateway station (20) in communication with said stratospheric platform

(18) receives a first signal having a first beam having interference from the second beam therein and a second signal having a second beam having interference from the first beam therein. As is best shown in Figure 3 and the corresponding text on pages 9-10, the gateway station (20) includes a first subtracting block (74) for subtracting the second signal from the first signal to obtain the first beam and a second subtracting block (76) for subtracting the first signal from the second signal to obtain a second beam. One point to note is that only two signals are received to form two beams (page 9, line 20 to page 10, line 18).

The Examiner cites the Sherman reference for teaching a stratospheric platform in Figure 1. However, Applicants respectfully submit that only a satellite is taught or suggested in the Sherman reference. A stratospheric platform is significantly different than a satellite. Satellites are located hundreds of miles above the earth. A stratospheric platform, as mentioned in the present application on page 6, flies at a significantly lower altitude such as above 60,000 feet. The stratospheric platform may be plane-like and flies in a small radius over a given spot on the earth. Thus, there are significant differences between a stratospheric platform and a satellite.

The Examiner also states that the Sherman reference includes a phase array antenna having a plurality of elements for generating a first beam and a second beam. The Examiner points to Figure 1, reference numerals 12, 13, 17 and 19. However, these reference numerals refer to beams and not to the phased array antenna. Applicants can find no teaching or suggestion for a phased array antenna in the Sherman reference.

The Examiner then states that the Sherman reference does not specifically disclose a gateway station comprising a first subtracting block for subtracting the second signal from the first signal to obtain the first beam, the gateway station comprising a second subtracting block

for subtracting the first signal from the second signal to obtain the second beam. The Applicants agree.

The Examiner then cites the Dalal reference for teaching a gateway station comprising a first subtracting block for subtracting the second signal from the first signal to obtain the first beam.

Applicants have filed a Section 1.131 Affidavit to overcome this rejection since the Dalal reference was filed about two weeks before.

Further, the Dalal reference does not teach or suggest the use of a stratospheric platform. In fact, the words "stratospheric platform" and "phased array antenna" cannot be found anywhere in the Dalal reference. Therefore, even if the references are combined the elements of claim 1 are not found in the combination.

Likewise, claims 8, 11 and 13 depend from claim 1 and are believed to be allowable for the same reasons set forth above.

Claim 14 is a method claim that has steps similar to the elements of claim 1. Therefore, claim 14 is also believed to be allowable for the same reasons set forth above. Claims 18 and 20 are independent claims that are also believed to be allowable for at least the same reasons set forth above with respect to claim 1. Claim 20 also specifically recites user position files. Applicants can find no teaching or suggestion in either of the references for user position files. Furthermore, the Examiner does not state that user position files exist in the Sherman or Dalal references. Therefore, Applicants respectfully submit that claim 20 is also allowable.

Claims 2-4, 15-17, 19 and 21-26 stand rejected under 35 U.S.C §103(a) as being unpatentable over Sherman (U.S. Pat. No. 5,966,371) in view of Dalal (U.S. Pat. No.

6,819,943) and further in view of Baier et al. (U.S. Pat. No. 6,519,477). Applicants respectfully traverse.

Claims 2-4, 15-17, 19 and 21-26 are believed to be allowable for at least the same reasons set forth above with respect to their independent claims. Each of these claims respectfully recites the user position files. The Examiner cites the Baier reference for user position files. The Examiner cites column 8, lines 57-67 of the Baier reference for user position files. Applicants have reviewed this section in conjunction with Figure 4 and can find no teaching or suggestion for user position files or weights that are a function of user position files. The Examiner then states that the user position files are not defined. However, on page 10, lines 12-21 specifically recites that the relative position of the beams may be determined from the user position files. Based on the position of the beams, interference levels may be determined. The position of the beams, therefore, is found in the user position files. Applicants respectfully believe that this definition is clear. The Baier reference clearly does not teach or suggest anything resembling this. Therefore, claims 2-4, 15-17, 19 and 21-26 are believed to be allowable.

Claims 5-7 stand rejected under 35 U.S.C §103(a) as being unpatentable over Ibanez-Meier et al. (U.S. Pat. No. 6,151,308) in view of Kavehrad (U.S. Pat. No. 4,577,330) and further in view of Rouffet et al. (U.S. Pat. No. 5,410,731). Applicants respectfully traverse.

Claims 5-7 recite specific details of the payload controller on the stratospheric platform. The Rouffet reference also does not teach or suggest a phased array antenna and thus the element control signals. Further, it appears that the Examiner has mistyped the references relied upon. The Ibanez-Meier reference and Kavehrad reference are from the previous office action. The Applicants believe that the Examiner meant to reject the claims under Sherman, Dalal and Rouffet.

Claims 9, 10 and 12 stand rejected under 35 U.S.C §103(a) as being unpatentable over

Sherman (U.S. Pat. No. 5,966,371) in view of Dalal (U.S. Pat. No. 6,819,943) and further in

view of official notice. Applicants respectfully traverse.

Claims 9, 10 and 12 ultimately depend from claim 1 and recite further limitations. As

mentioned above, the Dalal reference should be removed as a reference and even if it is not, the

Dalal reference does not teach or suggest a stratospheric platform. Therefore, Applicants

respectfully request the Examiner to reconsider the rejection of claims 9, 10 and 12.

Conclusion

In light of the above remarks, Applicants submit that all rejections are now overcome.

The application is now in condition for allowance and expeditious notice thereof is earnestly

solicited. Should the Examiner have any questions or comments which would place the

application in better condition for allowance, he is respectfully requested to call the undersigned

attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-

0383.

Respectfully submitted,

11/29/07

Kevin G. Mierzwa, Reg. No. 38,049

Attorney for Applicants

The DIRECTV Group, Inc. 2230 East Imperial Highway P.O. Box 956 El Segundo, CA 90245

Telephone: (310) 964-0735

Facsimile: (310) 964-0941



Kevin G. Mierzwa Direct Dial: 248,641,1212 kmierzwa@ndp.com

November 2, 2007

*EXHIBIT I* 

No. 7005 1160 0005 3430 7714 Ying J. Feria 306 Anderson Street Manhattan Beach, CA 90266

No. 7005 1160 0005 3430 7721 Ming U. Chang 28815 Indian Val Rd. Rancho Palos Ver, CA 90275

No. 7005 1160 0005 3430 7738 Donald C. Chang 2350 Moberly Court Thousand Oaks, CA 91360

Re:

U.S. Patent Application entitled:

Stratospheric-Based Communication System Having Interference Cancellation DIRECTV Ref. PD-200108; HDP Docket No. 9093H-000003/US

#### Gentlemen:

Enclosed for your signature is an Affidavit Under 37 C.F.R. 1.131 that must be filed along with our response to an Office Action dated August 29, 2007.

Please sign the Affidavit on page 2 where indicated, have your signature notarized, and return the executed Affidavit to me in the enclosed envelope at your earliest convenience, but no later than November 27, 2007, so as to ensure a timely response to the USPTO for the pending Office Action.

Feel fee to contact me directly should you have any questions.

Sincerely,

Kevin G. Mierzwa Attorney of Record

KGMtp

Enc.: 1 (w/Exhibits)

Harness, Dickey & Pierce, P.L.C. Attorneys and Counselors

Metropolitan:

Detroit, MI St. Louis, MO

Washington, DC

Kevin J. Mergua/10

#### EXHIBIT II

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Ying Feria

Serial No.

09/661,967

Group Art Unit: 2617

Filed:

09/14/2000

Examiner: Ly, Nghi H.

For:

STRATOSPHERIC-BASED COMMUNICATION SYSTEM HAVING

INTERFERENCE CANCELLATION

Mail Stop Amendment Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

AFFIDAVIT FROM 37 C.F.R. 1.131

Dear Sir:

I, Ying Feria, Ming Chang, Donald Chang, being duly sworn, depose and say:

- 1. Prior to August 31, 2000, the inventors of the subject application, including myself, submitted an invention disclosure to the Hughes Electronics docketing department.
- 2. Prior to August 32, 2000, Michael W. Sales, Assistant General Patent Counsel Corporate Patents and Licensing of Hughes Electronics Corporation sent the attached Invention Disclosure to Kevin Mierzwa. This is attached hereto as Exhibit A.
- 3. The letter from Michael Sales enclosing the Invention Disclosure to outside counsel is submitted as Exhibit B.
- 4. Prior to August 31, 2000, John A. Artz acknowledged the receipt of the Invention Disclosure. This is attached hereto as Exhibit C.
- 5. On September 13, 2000, a final draft of the patent application was sent to Michael W. Sales of Hughes Electronics Corporation for filing. The letter to Michael W. Sales is included as Exhibit D. The draft of the patent application was prepared using the Invention Disclosure of Exhibit A which teaches a gateway station on page 4 of 7, a stratospheric platform

on page 5 of 7, and interference cancelling on pages 5-7 of 7. Subtracting blocks are illustrated in Figure 1 of page 7 of 7 of the Invention Disclosure.

6. Each of the dates deleted from Exhibits A through C are prior to August 31, 2000.

Respectfully submitted, Dated: SUBSCRIBED and SWORN to before me by this day of \_\_\_\_\_\_, 2007, in the county of \_\_\_\_\_\_ in the State of California. Notary Public \_\_\_\_\_ MY COMMISSION EXPIRES: Respectfully submitted, Dated: SUBSCRIBED and SWORN to before me by \_\_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2007, in the county of \_\_\_\_\_\_ in the State of California. Notary Public \_\_\_\_\_ MY COMMISSION EXPIRES: Respectfully submitted, Dated: Donald Chang SUBSCRIBED and SWORN to before me by \_\_\_\_\_ this \_\_\_\_ day of . 2007, in the county of \_\_\_\_\_\_ in the State of California. Notary Public \_\_\_\_\_ MY COMMISSION EXPIRES:

# EXHIBIT III



HARNESS EX

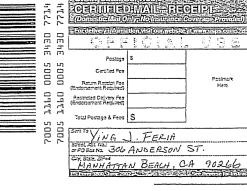
Ying J. Feria 306 Anderson Street Manhattan Beach, CA 90266 Atterneys and Counselors 5445 Corporate Drive, Suite 200 Troy, Michigan 48098-2683

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## <u>EXHIBIT</u>

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## EXHIBIT

FIRST Class

Attorneys and Counsolors 5445 Corporate Drive, Suite 200 Troy, Michigan 48099-2683 HAFINESS CONTRACT

Donald C. Chang 2350 Moberly Court Thousand Oaks, CA 91360

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orneys and Counselors 45 Corporate Drive, Suite 200 A. Michigan 48098-2683 100回と近く工 RETURN RECEIPT REQUESTED 1qiəoəR mutəR oiteəmod etre-a-re-aesser PS Form 3811, December 1994 7005 1160 0005 3430 7714 6. Signature: (Addressee or Agent) Thank you for using Retur (bisq si 991 bns 8. Addressee's Address (Only if requested 5. Received By: (Print Name) 7. Date of Delivery OOD ☐ Secript for Merchandise ☐ COD Certified Insured □ Express Mail Denstered □ 4b. Service Type 4T22 DEHE SOOO 09TT SOO2 ceipt Service. Consult postmaster for fee. permit.

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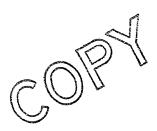
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EXHIBIT VI

## EXHIBIT VII



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## EXHIBIT VIII



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